

**A SUBSTITUTE ORDINANCE BY
CITY UTILITIES COMMITTEE**

08-O-1155

AMENDING SUBSTITUTE ORDINANCE 01-O-0301, ADOPTED BY THE CITY COUNCIL ON AUGUST 6, 2001 AND APPROVED BY THE MAYOR ON AUGUST 13, 2001, BY INCORPORATING SPECIFIC FEDERAL AND STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION LANGUAGE REQUIRED OF ALL FEDERAL CONSTRUCTION CONTRACTS BY INCLUDING DAVIS-BACON ACT AND TITLE VI OF THE FEDERAL CIVIL RIGHTS ACT LANGUAGE; AND FOR OTHER PURPOSES.

WHEREAS, in 1997, 1998, and 2001 and pursuant to Ordinance 01-O-0301, the City of Atlanta entered into a Multi-Project Funding Agreement with the Georgia Department of Transportation (GDOT); and

WHEREAS, the main purpose of the agreement was to allow the City to receive federal construction funds for various streetscape and trail projects; and

WHEREAS, the City of Atlanta Substitute Ordinance 01-O-0301, adopted by the City Council on August 6, 2001 and approved by the Mayor on August 13, 2001, amending the 2001 (Intergovernmental Grant Fund) Budget by adding to anticipations and appropriations the amount of Four Million One Hundred Fifty Thousand Dollars (\$4,150,000.00),

WHEREAS, such GDOT Project Agreements and Contracts provide that said projects are funded at the current federal construction funds at an 80% level and local match funds at a 20% level; and

WHEREAS, GDOT Project Agreements and Contracts are now reviewed by the State Attorney General's Office and that office has requested that our authorizing legislation should include additional provisions related to requirements that the City will use Disadvantaged Business Enterprises (DBE) to the fullest extent possible, and provisions of the Davis-Bacon Act of 1931, 40 U.S.C. 276(a); as prescribed by 23 U.S.C. 113, not contained in the original authorizing legislation.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: That Ordinance 01-O-0301 is amended by adding the following three (3) new sections to the referenced ordinance as listed below:

Section 5: That the City of Atlanta guarantees that it will comply with Title VI of the Civil Rights Act of 1964, all pertinent directives, and all US DOT requirements.

Section 6: That to complete various streetscape projects as described in ordinance 01-O-0301, the City will use Disadvantaged Business Enterprises (DBE) to the fullest extent possible and will implement and administer procedures to ensure that minority businesses are competitive for contracts and purchase orders when procuring services, including but not limited to, construction contracts, supplies, equipment contracts or consultant contracts.

Section 7: That the City of Atlanta shall, and shall require its contractors and subcontractors to comply with all applicable requirements of the Davis-Bacon Act of 1931, 40 U.S.C. 276(a); as prescribed by 23 U.S.C. 113, for Federal-aid highway projects, except for projects located on roadways classified as local roads or rural minor collector, which are exempt.

Section 8: Old Section Five (5) becomes a new Section 8.

Section 2: That all ordinances and parts of ordinances in conflict herewith be and are hereby waived in this instance only.

**AN ORDINANCE BY
CITY UTILITIES COMMITTEE**

AN ORDINANCE TO AMEND ORDINANCE 01-O-0301, ADOPTED BY THE CITY COUNCIL ON AUGUST 6, 2001 AND APPROVED BY THE MAYOR ON AUGUST 13, 2001, AMENDING THE 2001 (INTERGOVERNMENTAL GRANT FUND) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS THE AMOUNT OF FOUR MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$4,150,000.00), TO INCORPORATE SPECIFIC FEDERAL AND STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION LANGUAGE AS IT RELATES TO THE DAVIS-BACON ACT, THE FEDERAL CIVIL RIGHTS ACT, AND OTHER AUTHORIZING LANGUAGE; AND FOR OTHER PURPOSES.

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:

Section 1: That the City of Atlanta guarantees that it will comply with Title VI of the Civil Rights Act of 1964, all pertinent directives, and all US DOT requirements.

Section 2: That to complete various streetscape projects as described in ordinance 01-O-0301, the City will use Disadvantaged Business Enterprises (DBE) to the fullest extent possible and will implement and administer procedures to ensure that minority businesses are competitive for contracts and purchase orders when procuring services, including but not limited to, construction contracts, supplies, equipment contracts or consultant contracts.

Section 3: That the City of Atlanta shall, and shall require its contractors and subcontractors to comply with all applicable requirements of the Davis-Bacon Act of 1931, 40 U.S.C. 276(a); as prescribed by 23 U.S.C. 113, for Federal-aid highway projects, except for projects located on roadways classified as local roads or rural minor collector, which are exempt.

Section 4: All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict.

Part II: Legislative White Paper: (This portion of the Legislative Request Form will be shared with City Council members and staff)

A. To be completed by Legislative Counsel:

Committee of Purview: City Utilities Committee

AN ORDINANCE TO AMEND ORDINANCE 01-O-0301, ADOPTED BY THE CITY COUNCIL ON AUGUST 6, 2001 AND APPROVED BY THE MAYOR ON AUGUST 13, 2001, AMENDING THE 2001 (INTERGOVERNMENTAL GRANT FUND) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS THE AMOUNT OF FOUR MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$4,150,000.00), TO INCORPORATE SPECIFIC FEDERAL AND STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION LANGUAGE AS IT RELATES TO THE DAVIS-BACON ACT, THE FEDERAL CIVIL RIGHTS ACT, AND OTHER AUTHORIZING LANGUAGE; AND FOR OTHER PURPOSES.

Council Meeting Date: July 7, 2008

Requesting Dept: Department of Public Works

B. To be completed by the department:

1. Please provide a summary of the purpose of this legislation (Justification Statement).

To amend existing legislation to incorporate specific federal and state of Georgia Department of Transportation language as it relates to Davis Bacon, the federal civil rights act and other authorizing language

2. Please provide background information regarding this legislation.

Georgia Department of Transportation is requiring update to existing legislation.

3. If Applicable/Known:

- (a) **Contract Type (e.g. Professional Services, Construction Agreement, etc):** Construction
- (b) **Source Selection:** N/A
- (c) **Bids/Proposals Due:** N/A

(d) **Invitations Issued:** N/A

(e) **Number of Bids:** N/A

(f) **Proposals Received:** N/A

(g) **Bidders/Proponents:** N/A

(h) **Term of Contract:** N/A

4. **Fund Account Center:** N/A

5. **Source of Funds:** N/A

6. **Fiscal Impact:** N/A

7. **Method of Cost Recovery:** N/A

This Legislative Request Form Was Prepared By: Soraya Belgrave

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Dept.'s Legislative Liaison: Soraya Belgrave

Contact Number: (404) 330-6002

Originating Department: Department of Public Works

Committee(s) of Purview: City Utilities Committee

Chief of Staff Deadline: May 28, 2008

Anticipated Committee Meeting Date(s): June 10, 2008

Anticipated Full Council Date: July 7, 2008

Legislative Counsel's Signature: Saul Schultz

Commissioner Signature: [Signature]

Chief Procurement Officer Signature: _____

CAPTION

AN ORDINANCE TO AMEND ORDINANCE 01-O-0301, ADOPTED BY THE CITY COUNCIL ON AUGUST 6, 2001 AND APPROVED BY THE MAYOR ON AUGUST 13, 2001, AMENDING THE 2001 (INTERGOVERNMENTAL GRANT FUND) BUDGET BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS THE AMOUNT OF FOUR MILLION ONE HUNDRED FIFTY THOUSAND DOLLARS (\$4,150,000.00), TO INCORPORATE SPECIFIC FEDERAL AND STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION LANGUAGE AS IT RELATES TO THE DAVIS-BACON ACT, THE FEDERAL CIVIL RIGHTS ACT, AND OTHER AUTHORIZING LANGUAGE; AND FOR OTHER PURPOSES.

Mayor's Staff Only

Received by CPO: _____ Received by LC from CPO: _____
(date) (date)

Received by Mayor's Office: 5.28.08 PD Reviewed by: [Signature]
(date) (date)

Submitted to Council: _____